

COMMISSIONERS
W. JACK GREER, 4TH DISTRICT
Chairman
W. ROBERT CHESTNUT, 6TH DISTRICT
Vice-Chairman
DORIS H. BROWN, 3RD DISTRICT
Secretary

S. C. STATE LIBRARY

APR 3 1981

STATE DOCUMENTS

COMMISSIONERS
JOHN M. TRASK, JR., 1ST DISTRICT
DR. LEOLA ADAMS, 2ND DISTRICT
FRANCES M. DANIEL, 5TH DISTRICT

Et 375
3. N38
1981/4

GARY R. BAKER
EXECUTIVE DIRECTOR

State of South Carolina State Ethics Commission

(803) 758-7408
Dennis Building
1000 Assembly, Suite 545
P.O. BOX 11627
COLUMBIA, S.C. 29211

NEWSLETTER

APRIL 1981

No. 81-003

FILING DEADLINE APPROACHES

April 15 is the filing deadline for public employees and public officials to file the Statement of Economic Interests.

The following officials and employees are required to file an updated Statement of Economic Interests no later than April 15:

(1) State Agencies - the chief administrator, deputy administrators, and the chief finance and purchasing official or employee of each agency, facility or institution. Salaried members of state boards and commissions are also required.

(2) Municipalities, Counties and Other Political Subdivisions (including school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions) - the chief administrator and the chief finance and purchasing administrator.

(3) School Districts - the superintendents and all school board members whether elected or appointed, and the chief finance and purchasing administrator.

(4) Any person appointed to fill the unexpired term of any elective office.

All elected officials will continue to file the Statement of Economic Interests.

Candidates for public office are required to file the Statement of Economic Interests at the time of filing as a candidate.

Members of the General Assembly file with the respective Ethics Committee, and judges file with the Chief Justice of the Supreme Court. All other officials and employees are required to file the Statement of Economic Interests with the State Ethics Commission.

TRASK APPOINTED TO COMMISSION

John M. Trask, Jr. of Beaufort has been appointed by Governor Riley to serve the remainder of a term for the First Congressional District. Trask was also reappointed to serve another term beginning May 31, 1981.

Trask is involved in real estate development, banking, and broadcasting, and presently serves as board member of several business and civic organizations.

COMMISSION OFFICE MOVES

On March 3, the Commission office moved to Suite 545, Rembert C. Dennis Building, 1000 Assembly Street, Columbia. The Commission mailing address remains P.O. Box 11627, Columbia, S.C. 29211, and the telephone also remains the same, (803) 758-7408.

RECREATION DIRECTOR REPRIMANDED

The State Ethics Commission publicly reprimanded John Sellers, Executive Director of the Irmo-Chapin Recreation Commission since 1969, for utilizing funds entrusted to him to purchase personal items totaling \$265.20. The State Ethics Commission also directed the Irmo-Chapin Recreation Commission to take proper administrative or disciplinary action.

At a hearing held on January 28, the State Ethics Commission determined that Sellers purchased dresses and automobile tires which were charged to credit cards issued to the Recreation Commission. Sellers also purchased contact lenses which were paid for by a Commission check.

The State Ethics Commission determined that Sellers improperly utilized his office for personal financial gain.

DIGEST OF ADVISORY OPINIONS

SEC 81-021

January 28, 1981

**SUBJECT: POLICE OFFICER RECEIVING
WORKMEN'S COMPENSATION BENEFITS
ENGAGING IN PART-TIME EMPLOYMENT**

A police officer who is drawing workmen's compensation benefits may engage in part-time employment consistent with the off-duty employment and the special guidelines provided for law enforcement officers in Act No. 529 of 1978. The police officer was also referred to the S.C. Industrial Commission concerning any applicable regulations concerning employment while drawing workmen's compensation benefits.

SEC 81-022

January 28, 1981

**SUBJECT: CAMPAIGN DISCLOSURE REPORTING
BY COUNTY POLITICAL ORGANIZATIONS**

Any political organization which receives or solicits funds or expends funds to influence the nomination or election of any candidate for public office, shall file a Campaign Disclosure Form within thirty days after the election. If a precinct is a separate organization which receives or solicits contributions which are utilized in supporting candidates, it falls within the reporting provisions. If the precinct is a sub-organization of the county organization which channels funds from or to the county organization, the reporting burden falls on the county organization.

SEC 81-023

January 28, 1981

**SUBJECT: FILING REQUIREMENTS - COUNTY
PLANNING COMMISSION**

Members of a county planning commission who are appointed by the county council are not required to file a Statement of Economic Interests since they are neither employees nor are they involved in regulating businesses.

SEC 81-024

January 28, 1981

**SUBJECT: SCHOOL BOARD MEMBERS VOTING ON
SCHOOL BUDGET WHICH INCLUDES SALARY
INCREASE FOR MEMBERS OF HOUSEHOLD**

A seven member school board which has four members who have a potential conflict in voting on salary increases may raise such salaries by either (1) changing the budgeting process, (2) changing the voting policies to enable a minority of members to vote, or (3) as a last resort, filing the statement of potential conflict, declaring the matter to be a potential conflict, and then voting on the matter.

SEC 81-025

January 28, 1981

**SUBJECT: COUNTY COUNCILMAN - ATTORNEY
VOTING ON JUDICIAL OR COURT BUDGETARY
MATTERS**

A county councilman who is also an attorney is required to provide a written statement describing a potential conflict and disqualifying himself from action or decisions on matters in the county budgeting process which will affect his business associa-

tion directly or to any greater extent than any other such association.

SEC 81-026

January 28, 1981

**SUBJECT: POTENTIAL CONFLICTS OF COUNTY
ATTORNEY**

A county attorney is not prohibited by the State Ethics Act from also serving as a city attorney, however, he was advised of the provisions of §8-13-460, and also advised that the Attorney General's Office be contacted concerning the dual office-holding statutes. The county attorney was also advised that there are no prohibitions in the State Ethics Act against placing his salary into a professional income account. The county attorney was also advised to follow the procedures of §8-13-460 concerning the appointment of a member or associate of his law firm.

SEC 81-027

January 28, 1981

**SUBJECT: CITY COUNCILMAN SERVING ON
ADVISORY BOARD OF BANK**

A town councilman who has a business relationship with a bank is required to follow the disclosure and disqualification procedures of §8-13-460 on matters which will substantially affect directly the financial interests of the bank. If the town councilman has no financial interest in the bank and serves on the advisory board without compensation, he would not be required to follow the procedures of §8-13-460.

81-028

January 28, 1981

**SUBJECT: PUBLIC EMPLOYEES APPEARING
BEFORE PUBLIC SERVICE COMMISSION**

Employees of ETV and the Division of General Services may appear before the Public Service Commission to offer testimony concerning the effect of a rate increase on the financial operations of their agencies since such appearances are within their official responsibilities.

SEC 81-029

March 17, 1981

**SUBJECT: DHEC EMPLOYEE ACCEPTING
EMPLOYMENT WITH CONSULTING FIRM WHICH
DOES BUSINESS WITH A REGULATED BUSINESS**

An employee of the Department of Health and Environmental Control may accept a promise of future employment with an engineering firm which has as a client a regulated business provided there is no implied or indirect offer of future employment from the regulated business.

SEC 81-030

March 17, 1981

**SUBJECT: PART-OWNER OF NEWSPAPER
RUNNING FOR AND HOLDING PUBLIC OFFICE**

A person who is half-owner of a weekly newspaper may run for and hold public office however, he is prohibited from utilizing his position to obtain information which is not equally accessible to

other newspaper officials. He also may not obtain favorable treatment for his newspaper through manipulation of the release of information to his own or other competing newspapers and news media.

81-031

March 17, 1981

SUBJECT: VOTING BY PUBLIC OFFICIALS

(1) A member of county council who is also employed in the school system should follow the procedures of §8-13-460 on matters involving the appointment of school board members and school budgets. (2) The penalty for violation of the State Ethics Act is administrative or disciplinary action, or a fine up to \$1,000, ninety days imprisonment or both. (3) A member of county council would be required to follow the procedures of §8-13-460 on matters directly affecting the financial interests of himself, members of his household, or any business with which he is associated. (4) A school board member is required to follow the procedures of §8-13-460 regarding the reappointment of a member of his household. (5) A county council member who is associated with a private school or a private hospital should follow the procedures of §8-13-460 on matters directly affecting the financial interests of those businesses.

81-032

March 17, 1981

**SUBJECT: EMPLOYEE CONDUCTING WORKSHOP
ON OFF-DUTY HOURS**

An employee may conduct a workshop during off-duty hours provided such is not a part of the employee's normal position responsibilities. No honorarium or additional compensation could be provided if it is part of the normal position responsibilities.

81-033

March 17, 1981

**SUBJECT: POTENTIAL CONFLICT OF INTERESTS -
AGRICULTURE DEPARTMENT EMPLOYEE**

The Director of the Consumer Service Division of the Department of Agriculture who has inherited stock in a petroleum company and a supermarket chain is not involved in regulating those businesses. However, he would be required to follow the procedures of §8-13-460 in matters involving such businesses if he is an officer, owner, director, employee, or holder of stock worth ten thousand dollars or more at fair market value.

81-034

March 17, 1981

**SUBJECT: STATE EMPLOYEE ACCEPTING
POSITION AS MUNICIPAL JUDGE**

There are no provisions of the State Ethics Act which would prohibit a State employee from also serving as a municipal judge. The employee is advised against utilizing his office for personal financial gain and to follow the procedures of §8-13-460 in matters involving either position. He was further advised to consult with the Attorney General's Office concerning the applicability of dual office-holding provisions.

SEC 81-035

March 17, 1981

**SUBJECT: INDUSTRIAL COMMISSIONER
REPRESENTING CLIENTS AFTER RESIGNATION**

A member of the Industrial Commission may represent clients before that agency after his termination, provided he does not

represent clients on matters in which he participated while a Commissioner member.

SEC 81-036

March 17, 1981

**SUBJECT: COUNTY COUNCIL MEMBERS WITH
MEMBERS OF HOUSEHOLD EMPLOYED BY
SCHOOL DISTRICT VOTING ON SCHOOL DISTRICT
BUDGET**

A member of county council who is required to take action on school budget matters which include compensation increases, either personally or for a member of his household, shall follow the procedures of §8-13-460.

SEC 81-037

March 17, 1981

**SUBJECT: FILING REQUIREMENTS - CITY
HOUSING AUTHORITY**

Employees of a city housing authority which is a unit of the municipal government are not required to file the Statement of Economic Interests.

SEC 81-038

March 17, 1981

**SUBJECT: PROPERTY INTEREST OF CLIENT OF
DEVELOPMENT BOARD MEMBER**

A county development board member shall follow the disclosure and disqualification procedures of §8-13-460 in matters affecting the financial interests of a client who owns land which is under consideration for acquisition by the board.

SEC 81-039

March 17, 1981

**SUBJECT: SCHOOL SUPERINTENDENT TAKING
ACTION ON TEACHERS' SALARIES**

A school superintendent may take action on recommending teachers' salary increases for the county school budget even though his salary increase is determined to be greater than the salary level of the highest paid teacher. The school superintendent cannot, however, take action on his own salary increase.

SEC 81-040

March 17, 1981

**SUBJECT: CANDIDATE OFFERING FOR SOCIAL
SERVICES BOARD ASSOCIATED WITH PUBLIC
HOSPITAL**

An employee of Richland Memorial Hospital may offer for and serve on the Board of Social Services provided she follows the disclosure and disqualification procedures of §8-13-460 on matters affecting that hospital.

SEC 81-041

March 17, 1981

**SUBJECT: USE OF GOVERNMENT FACILITIES
AND EQUIPMENT FOR PERSONAL GAIN**

The utilization of public equipment and supplies for work for which the public employee would receive personal compensation would appear to violate §8-13-410, and would violate §8-13-430 if the work is part of the employee's position responsibilities.

**SUBJECT: STATE EMPLOYEE AS DEMONSTRATOR
FOR PRIVATE BUSINESS**

An employee of ETV may engage in off-duty hours in demonstrating a piece of equipment at a national convention, provided that he is not involved in the bid award decision and does not review bids.

SEC 81-043

March 17, 1981

**SUBJECT: STATE EMPLOYEE AS CANDIDATE FOR
BOARD OF SOCIAL SERVICES**

An employee of Midlands TEC may offer as a candidate and serve on the Board of Social Services provided he follows the disclosure and disqualification procedures of §8-13-460 on matters affecting his employment.

**SUBJECT: PUBLIC EMPLOYEES CONDUCTING
SEMINAR FOR UNIVERSITY**

Two public employees may negotiate to conduct a seminar for the University of South Carolina provided the contract is not required to be awarded through public notice and competitive bidding, and provided that neither takes any official action involving the award of the contract. The employees were advised about the off-duty employment guidelines.

State Ethics Commission

P.O. BOX 11627

COLUMBIA, S.C. 29211

**BULK RATE
U.S. Postage
PAID
Columbia, S.C. 29201
PERMIT NO. 143**

**BETTY E. CALLAHAM
S. C. STATE LIBRARY*
P. O. BOX 11469
COLUMBIA, SC**

Toll

29211